

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 13 January 2021

(Author: Lucy Buttery - Principal Planning Officer)

Purpose: To consider Planning Application H15-0942-20

Application Number: H15-0942-20

Date Received: 20 October 2020

Application Type: RESERVED MATTERS

Description: Residential Development of 9 dwellings - Phase 1 (Outline approval H15-1207-18)

Location: Crossroads Nurseries Main Road Quadring

Applicant: Mr H Bingham

Agent: Moulton Land and Planning Ltd

Ward: Donington, Quadring and
Gosberton

Ward Councillors: Cllr H J W Bingham
Cllr S C Walsh
Cllr J L King

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H15-0942-20>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The applicant is a District Councillor.

2.0 PROPOSAL

2.1 This is a reserved matters application, relating to outline application H15-1207-18, for residential development of 9 dwellings at Crossroads Nurseries, Quadring.

2.2 The outline approval is for up to 60 dwellings. This application is for Phase 1 of the overall development.

2.3 The proposal is for 9 x 3-bed detached bungalows. An adoptable estate road would be constructed from Main Road along the south-eastern side of the development and will ultimately provide access to further phases of the overall development. 4 of the dwellings would be accessed off this road, with the remaining 5 being accessed off a private drive.

3.0 SITE DESCRIPTION

3.1 The site is approximately 0.68ha in size and forms part of a horticultural nursery in the centre of the village. It is accessed from Main Road to the south-west. The majority of the site lies behind frontage properties and adjoins another to the north-west. The north-eastern boundary is open with agricultural fields beyond. The remainder of the nursery site is to the south-east.

4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

South East Lincolnshire Local Plan, March 2019

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Policy 1 - Spatial Strategy
Policy 2 - Development Management
Policy 3 - Design of New Development
Policy 4 - Approach to Flood Risk
Policy 6 - Developer Contributions
Policy 11 - Distribution of New Housing
Policy 17 - Providing a Mix of Housing
Policy 18 - Affordable Housing
Policy 29 - The Historic Environment
Policy 30 - Pollution
Policy 36 - Vehicle and Cycle Parking
APPENDIX 6 - Parking Standards

4.2 **National Guidance**

National Planning Policy Framework (NPPF), 2019

Section 2 - Achieving sustainable development
Section 5 - Delivering a sufficient supply of homes
Section 8 - Promoting healthy and safe communities
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 16 - Conserving and enhancing the historic environment

Planning Practice Guidance (PPG)

5.0 **RELEVANT PLANNING HISTORY**

- 5.1 H15-1207-18 - Outline application for residential development - up to 60 dwellings (approved September 2019)

6.0 **REPRESENTATIONS**

6.1 **SHDC Strategic Housing**

Requested that the applicant submit details of how the affordable housing will be delivered on the remaining phases of the development. The applicant has since explained the rationale behind the approach, which Strategic Housing have no objection to.

6.2 **LCC Highways/SUDS**

Does not wish to restrict the grant of permission. The agent has provided a justification to explain why a full sustainable drainage system would not be appropriate for this first phase of nine dwellings. The Highway Authority's conclusion is that this justification is acceptable.

6.3 **LCC Historic Environment Officer**

The submitted report demonstrates that there would be unlikely to be any archaeological impact from the current proposals and we would not recommend any further archaeological requirements for this phase of the development.

6.4 **Welland and Deepings IDB**

No objection to surface water disposal method proposed and a reduction in the current

impermeable area that discharges to the drainage system can be considered betterment. Reminds applicant of the relevant consents required.

6.5 SHDC Environmental Protection Officer

I have reviewed the AF Howland Phase 1 report ref JAH/20.005/Phase 1 for Crossroads Nursery Limited dated January 2020. The report adequately addresses the potential for contamination in the Phase 1 area and I am in agreement with the findings. However, outline permission H15-1207-18 covers a significantly larger area, and I am therefore unable to recommend discharge of condition 4 at this time.

6.6 Anglian Water

Not commented as is not a major application.

6.7 Public (2 objections, summarised)

- Appears applicant is attempting to defer s106 payment. Support for local infrastructure and education should be at least provided at the same time as additional residents come to the area
- Highway safety concerns
- Increase in air pollution
- Impact on quality of life

7.0 **CONSIDERATIONS**

7.1 **Planning Considerations**

7.2 The principle of residential development on the site has been established by virtue of the outline consent and the fact that the site forms part of a housing allocation (Qua003) in the South East Lincolnshire Local Plan (2019).

7.3 Therefore the key matters (including the reserved matters) to be considered are:

- Detailed layout, scale and appearance;
- Access, highways and parking concerns;
- Landscaping;
- Drainage and flood risk;
- Impact upon residential amenity;
- Affordable housing provision;
- Archaeology; and
- Other matters.

7.4 Detailed layout, scale and appearance

7.5 Although all properties are detached 3-bed bungalows, a variety of designs are proposed with two brick (red and multi facing) and tile types (slate effect and terracotta) specified. The designs and materials proposed are in keeping with existing properties in the village and, more widely, typical development seen in South Holland. Each of the proposed dwellings would sit well within the plot and the single storey scale of the properties is in keeping with other existing development in the vicinity.

7.6 Until such time as future phases are brought forward, Phase 1 will be a discrete development served by an adoptable estate road along the south-eastern boundary with a private drive extending in a north-westerly direction. At this stage this is an acceptable balance between estate and private roads.

7.7 Refuse collection would be a combination of kerbside for the estate road and a single collection point for the private drive serving 5 dwellings. There is a condition on the outline approval for specific details of waste storage and disposal to be submitted prior to the occupation of dwellings. Properties served by the private drive would be outside the 30m carrying distance set out in Approved Document H to the Building Regulations to varying extents. Plot 6 is the furthest away at approximately 50m. However, it should be remembered that this is a guidance

document and thus the 30m distance quoted is not an absolute requirement. On balance, it is considered that the arrangements are acceptable in favour of creating a development of dwellings with greater private external amenity space than many new build schemes tend to provide.

- 7.8 Driveways would be of permeable construction (granite chippings/gravel) with the private drive, estate road and associated footways being of tarmac construction. This is a typical and appropriate arrangement.
- 7.9 Condition 20 of the outline approval requires that finished floor levels of the dwellings be set 300mm above existing ground levels as a flood risk mitigation measure. However, the current proposal is to raise finished floor levels by around 900mm in order to enable gravity discharge for foul water, as opposed to utilising a pumping station. Given that the proposed dwellings are only single storey, it is not considered that this would result in a form of development that would appear at odds with existing adjoining development.
- 7.10 Taking the above into account, it is concluded that the design and layout of the scheme accords with Policies 2 and 3 of the Local Plan. Policy 2 of the Local Plan requires development proposals to take into account sustainable development considerations such as: quality of design; size, scale, layout, density, impact on character and appearance of the area and the relationship to existing development. Policy 3 requires development proposals to respect the density, scale and massing of neighbouring buildings and the landscape character of the location.
- 7.11 Access, highways and parking concerns
- 7.12 The Highway Authority have not objected to the proposed access and road arrangements. The proposal is therefore considered to be acceptable on highways grounds and in accordance with Policy 2 of the Local Plan which requires it to be demonstrated that access and vehicle generation levels will be acceptable.
- 7.13 Appendix 6 of the Local Plan sets out parking standards for residential dwellings and states that 2 vehicle parking spaces are required for dwellings with up to 3 bedrooms. The proposed vehicle parking arrangements are in accordance with this.
- 7.14 Landscaping
- 7.15 Soft landscaping will take the form of hedge planting to the front of properties and to provide screening for what would otherwise be stark fencing on visible frontages. A variety of trees would also be planted at the front of properties. Temporary screening (in the form of 2m high closeboard fencing, trees and shrubs/hedging) will separate the development from the remaining glasshouses of the nursery.
- 7.16 This is considered to be a suitable landscaping scheme for the site and in accordance with Policy 3 of the Local Plan in respect of its provisions on landscaping.
- 7.17 Boundary treatment is a separate condition on the outline approval and will therefore need to be discharged separately. The current proposal is for rear gardens to be divided by 1.8m high timber close board fencing and for existing boundary treatments at the edges of the site to be utilised where possible, being supplemented by new fencing where sufficient screening is not currently provided. Given that finished floor levels are proposed to be raised by around 900mm, careful consideration will need to be given as to whether the proposed boundary treatment affords a suitable level of privacy.
- 7.18 It is expected that public open space will be delivered in later phases.
- 7.19 Drainage and Flood Risk
- 7.20 The submitted Drainage Statement states that infiltration is not thought to be viable solution for this site because of the nature of the underlying soils and the level of the water table. Therefore,

in accordance with the drainage hierarchy, the proposal is for surface water to be discharged (via new surface water sewers) to the existing riparian watercourse along the north-eastern boundary of the site, which ultimately outfalls into an IDB watercourse. The Welland and Deepings IDB have no objections to this approach and have commented that a reduction in the current impermeable area that discharges to the drainage system can be considered betterment.

- 7.21 The outline consent for the wider site requires that sustainable drainage (SuDS) principles be utilised in the management of the surface water drainage of the development. No SuDS features have been incorporated as part of this Phase 1 scheme. The agent for the applicant has therefore provided the following rationale as to why managing the surface water by SuDS is not appropriate for this phase:
- 7.22 *"We are constrained in this initial phase by the proportion of estate road and dwellings to make the scheme viable. To introduce swales within this small development is not feasible but the balance of the site will certainly enable the introduction of sustainable drainage features including a significant proportion of public open space and swales which will deal with surface water before it is conveyed to the existing surface water drains that serve the current site. As mentioned in the Drainage Strategy Statement we are able to introduce permeable driveways to the dwellings with overflow connections to the below ground piped system. The infiltration rate is typically poor at this location. It is relevant to note that there is actually betterment to the surface water drainage network as a result of this proposed development with an increase in permeable area to this part of the site."*
- 7.23 The Highway Authority/Lead Local Flood Authority have considered this justification and concluded that it is acceptable.
- 7.24 Foul water would be discharged to the existing Anglian Water network whom are obliged to accept and cater for flows from new residential development.
- 7.25 Condition 20 of the outline approval requires that finished floor levels of the dwellings be set 300mm above existing ground levels as a flood risk mitigation measure. The current proposal is to raise finished floor levels beyond this by around 900mm in order to enable gravity discharge for foul water, as opposed to utilising a pumping station. Condition 20 is therefore satisfied.
- 7.26 Given the above, it is considered that the proposed drainage scheme and flood mitigation measures accord with Policies 2, 3 and 4 of the Local Plan which require proposals to provide appropriate means of drainage and flood defence.
- 7.27 Impact upon residential amenity
- 7.28 There are 6 residential properties neighbouring the site, as well as a care home in close proximity. These are a mixture of single storey and two storey dwellings.
- 7.29 The side elevation to plot 1 includes windows to habitable rooms but there would be an approx. 16m separation distance, which is adequate in planning terms where it is side to rear and a single storey - two storey dwelling relationship. The rear elevation of no. 123 is approx. 25m from the site boundary, which is clearly greater than the preferred 21m separation distance rear to rear. No's. 125 and 127 are single storey so there should be no overlooking aspect given that the proposed dwellings are also single storey, subject to appropriate boundary treatment. Only the very corner of the curtilage of no. 129 neighbours the site and the dwelling is set back approx. 20m from the site boundary. No. 131 is a two storey dwelling but is screened partly by trees and the dwelling on the closest plot is angled away from its side elevation. Given this, there is not considered to be any material overlooking impact.
- 7.30 Given that all of the proposed dwellings are single storey in scale and would be no closer than approximately 13m from any existing dwelling, it is not considered that the proposed dwellings would be overbearing or result in overshadowing/material loss of light.
- 7.31 Overall, there are not considered to be any significant or demonstrable adverse impacts relating to residential amenity that would warrant refusal of this proposal. The proposal is considered to

accord with Policies 2, 3 and 30 of the Local Plan in respect of their provisions on residential amenity.

7.32 Affordable housing provision

7.33 The outline application was granted subject to a s106 agreement for the provision of 25% of the site as affordable housing.

7.34 The applicant is not seeking to deliver any affordable units as part of Phase 1. It is therefore their intention to submit an application to modify the legal agreement in due course in order to amend the trigger points for affordable housing and the education contribution.

7.35 It has been reiterated via the agent that it is not the intention to avoid the obligations set out within the legal agreement, but rather to defer the delivery of affordable housing to the remainder of the site where the cost of that obligation can be mitigated by the construction of sufficient numbers of market housing.

7.36 Strategic Housing have no objections to this approach and it is considered acceptable in order to assist in bringing the development forward.

7.37 Archaeology

7.38 Trial trenching has been undertaken on the site and the County Council's Historic Environment Officer has advised that the Pre-Determination Archaeological Evaluation report demonstrates that there would be unlikely to be any archaeological impact from the current proposals. They therefore do not recommend any further archaeological work is required for this phase of the development.

7.39 Policy 29 (Historic Environment) of the Local Plan is complied with in this regard.

7.40 Other matters

7.41 The Planning Statement submitted with this application explains the rationale for taking a phased approach to development. This is set out verbatim below:

7.42 *"There are business, financial and practical reasons for approaching this development in a phased manner. This large parcel of land is situated close to the centre of Quadring and will ultimately increase the housing provision in the village by a significant amount. This site differs from many other similar sized residential development opportunities within the District in that the Applicant still operates an established business on this site and the current operational layout means that the business can logically reduce its production area by removal of polytunnels, glasshouse and external growing areas to the north-western portion of the site near to Main Road and accommodate a new estate road and a small housing development. The Applicant has already made significant investment in a nearby site at Sarahgate Lane and the objective of this established local business is to relocate to this site and vacate the current site in its entirety. This phased strategy will enable the Applicant to protect his business, his staff, and implement the relocation of his business in a sustainable manner. This re-investment within the village will retain employment opportunity and the intention is that the expansion of the business will generate further employment in the village. The construction of Phase 1 of the site will provide an adoptable estate road, infrastructure and delivery of 9 bungalows to the western portion of the site adjacent to existing dwellings. This effectively displaces the activities of the horticultural business away from those existing residents."*

7.43 One objector has commented in respect of the intention to amend the trigger points in the s106 agreement that support for local infrastructure and education should be at least provided at the same time as additional residents come to the area. Whilst this approach would be the ideal scenario, the Local Planning Authority is mindful of the fact that this site is a strategic housing allocation and there will be considerable costs involved with opening up the site and in the relocation of the existing business. This Authority is therefore willing to discuss the potential to revise the trigger points for the contributions required and it is reminded that an application has

not yet been received to do this.

- 7.44 In terms of air pollution, it is not considered that the likely number of cars that would be generated by 9 dwellings would result in a significant increase in air pollution such that would justify refusing the application.

7.45 **Planning Balance**

- 7.46 The principle of residential development on this site has already been established by virtue of the outline permission and housing allocation in the Local Plan. It is not considered that the proposal would materially harm the character or appearance of the locality or amenity of nearby residents, subject to an appropriate scheme of boundary treatment being secured. There are no significant highway issues and parking levels are in accordance with the Local Plan requirements. Flood risk, drainage and archaeology matters are considered to have been appropriately addressed. No affordable housing is proposed to be delivered on this first phase in order to facilitate the opening up of the site, however the applicant advises that they remain committed to the delivery of the full 25% affordable housing on the scheme as a whole, and this will continue to be secured by legal agreement.

- 7.47 Taking the above into account, the planning balance is considered to be in favour of the proposal.

7.48 **Conclusion**

- 7.49 In light of the above considerations, the proposal is considered to be in general accordance with Policies 1, 2, 3, 4, 29, 30 and 36 of the South East Lincolnshire Local Plan, 2019, as well as guidance in the National Planning Policy Framework, 2019.

7.50 **Additional Considerations**

Public Sector Equality Duty

- 7.51 In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
 - C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

7.52 Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right

to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

8.0 RECOMMENDATIONS

- 8.1 Grant permission subject to conditions outlined in Section 9.0 of this report.

9.0 CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
CN/pl/Ph1/Site RevA
CN/pl/Ph1/P2 elev
CN/pl/Ph1/P3 elev
CN/pl/Ph1/P4 elev
CN/pl/Ph1/P4 fl
CN/pl/Ph1/P5 elev
CN/pl/Ph1/P5,P6 fl
CN/pl/Ph1/P6 elev
CN/pl/Ph1/P7 elev
CN/pl/Ph1/P9 elev
CN/pl/Ph1/P1,P8
CN/pl/Ph1/P2,P9 fl
CN/pl/Ph1/P3,P7 fl
CN/pl/Ph1/P5 garage
CN/pl/Ph1/P6 garage
CN/pl/Ph1/P1,P8 garage
11849-WMS-ZZ-XX-DR-C-39210-S8-P2
Drainage Statement (prepared by William Saunders, dated August 2020)
External Materials Schedule (dated 18/10/2020)
Pre-Determination Archaeological Field Evaluation (prepared by Neville Hall, dated December 2020)

Reason: For the avoidance of doubt and in the interests of proper planning.

2. Details of the management and maintenance schedule for the areas of incidental open space/landscaping, refuse/recycling collection points and private drives shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted beyond oversight. The management of these areas shall be carried out in accordance with the details so approved.

Reason: To ensure that adequate provision is made for the management and maintenance of areas beyond the individual dwelling curtilages.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

3. When application is made to the Local Planning Authority to discharge Condition 14 of the outline approval (H15-1207-18), that submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

The boundary treatment details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

Reason: In the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

4. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

5. Please note that any conditions other than the reserved matters condition must be discharged separately and cannot be discharged through a reserved matters application.
6. All roads within the development hereby permitted must be constructed to an engineering standard equivalent to that of adoptable highways. Those roads that are to be put forward for adoption as public highways must be constructed in accordance with the Lincolnshire County Council Development Road Specification that is current at the time of construction and the developer will be required to enter into a legal agreement with the Highway Authority under Section 38 of the Highways Act 1980. Those roads that are not to be voluntarily put forward for adoption as public highways, may be subject to action by the Highway Authority under Section 219 (the Advance Payments code) of the Highways Act 1980.

Background papers:- Planning Application Working File

Lead Contact Officer

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Appendices attached to this report:

Appendix A	Plan A
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